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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/426,442
Filing Date: October 25, 1999
Appellant(s): GARRITY ET AL.

Sharyn Marie Garrity
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 5/23/2007 appealing from the Office action mailed 10/24/2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,367,009	DAVIS	4-2002
5,948,064	BERTRAM	9-1999
6,240,091	GINZBOORG	5-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 7-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Davis US 6,367,009 in view of Bertram US 5,948,064.

As per claims 1, 8, 12, and 13 Davis discloses an MTS or middle tier server, verifying a users ID through a digital certificate submitted by the client, (authentication component), (Col 11 lines 39-43). Davis also discloses the ETS or end tier server verifying the users ID through use of a digital certificate, (Col 13 lines 27-31). Davis teaches that the ETS uses access control comprising a list of authorized users, (directory), (Col 13 lines 35-39). Davis discloses that if the user is not on the access control list, the system will restrict access, (access control system), (Col 13 lines 40-42).

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Davis does not disclose permitting the user access to a portion of a computer site and restricting the user from at least one other portion of the computer site. Davis does not disclose user accounts indicating which portion of the computer site to which the corresponding user is permitted access.

Bertram teaches a system in which a users are permitted access to at least one portion of a computer site. Bertram teaches a database (directory) of user accounts wherein the user is assigned a group and is allowed access to data said group is permitted to access. (Col 5 lines 44-48, Col 6 lines 1-6, Col 8 lines 30-35, 48-53). It would be obvious to one skilled in the art to modify the system of Davis with the user account access control of Bertram because ACL's do not provide the level of security and flexibility that user accounts do.

As per claims 2, 9, and 14, Davis teaches that the access policy declares that unauthorized users have access to no portion of the computer site, (Col 13 line 42).

As per claim 7, Davis discloses the computer site is in an extranet, (Col 9 lines 17-19).

As per claim 10, a user would submit a URL request as part of the internet request, (Col 9 lines 14-17).

As per claim 11, Davis discloses sending a digital signature inside a certificate. A digital signature can be decrypted with a public key, (Col 12, line 54).

Claims 4-6, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis US 6,367,009 in view of Bertram US 5,948,064 in view of Ginzboorg US 6,240,091.

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As per claims 4, and 16, the previous Davis-Bertram combination does not teach a log system to record user actions in a computer site.

Ginzboorg discloses by means of charging records, a log system to record user interaction with a computer site, (Col 8 lines 22-26, Col 11 lines 17-21).

It would have been obvious to one skilled in the art to modify the access policy of Davis with the recording system of Ginzboorg to provide the necessary data for billing purposes (Ginzboorg Col 3 lines 2-4).

As per claims 5, 6, and 17, Davis does not disclose provide a transaction authentication system to produce verified records of transactions performed using the computer site.

Davis does not disclose that the transaction authentication system includes a digital signing module for validating transactions.

Ginzboorg discloses a system that produces records of transactions using a computer site and verifies these records using digital signatures, (Col 8 lines 30-34, 40-41).

It would have been obvious to one skilled in the art to modify the access policy of Davis with the recording system of Ginzboorg to provide the necessary data for billing purposes (Ginzboorg Col 3 lines 2-4).

Claims 3, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis US 6,367,009 in view of Bertram US 5,948,064 in view of Grimmer US 5,774,552.

As per claim 3, the previous Davis-Bertram combination does not disclose a certificate authority to issue a digital certificate to the user.

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Grimmer discloses that a Certificate Authority issues a digital certificate to the user, (Col 5 lines 55-65).

It would be obvious to one skilled in the art to modify the access policy of Davis with the certificate authority of Grimmer, because the Certificate Authority provides a secure trusted source, (Grimmer Col 5 lines 24-27).

(10) Response to Argument

As per claims 1,2, and 7-14 the appellant argues that there is no motivation to combine Davis 6,367,009 with Bertram US 5,948,064. Appellant argues that the office action does not provide objective evidence to support the motivational statement made by the examiner. The examiner responds by asserting that it would have been obvious to one of ordinary skill in the art. Both the Davis, and Bertram references regard the same technology and are of an analogous art. In this instance both Davis and Bertram regard network security and authentication. In light of the recent *KSR v. Teleflex* decision, this should provide sufficient motivation to combine the two references.

Appellant also argues that nowhere in Davis does it suggest its access control list (ACL) is a strict yes or no type. In Davis column 13 lines 35-42 the reference reads “will compare this name to its list of authorized users. If the name is authorized, then the application will process the request that is being made on behalf of the first-tier client; otherwise, the request will be rejected.” The examiner asserts that access control lists generally are “yes or no” systems, and that user accounts which perform the same

authentication function, may also be highly tailored, and include additional information about a user.

Appellant argues the references are from the same assignee and that Bertram predates Davis, therefore it would not have been obvious to combine the references or it would already have been done. The examiner counters that inventions are by different inventors. The examiner argues that just because a feature hasn't been included in an invention doesn't mean it can't or that it is not obvious to do so. One method may provide benefits the other feature doesn't. In the instant case the user account provides more flexibility for the administrator than does the access control list. Both the access control method and the user account method both perform authentication and are of an analogous art.

Applicant argues claims 3-6, and 15-17 are patentable due to the previous argument for claims 1, 2, and 7-14. The examiner argues because the rejection of claims 1, 2, and 7-14 should be maintained, the rejection of claims 3-6, and 15-17 should also be maintained.

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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Christopher Brown



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SUPERVISORY PATENT EXAMINER

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